

Docket No. 1261-0156PUS1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Hiroyuki OSADA et al.

Application No. 10/516,743

Confirmation No. 6909

Filed: May 26, 2005

Art Unit: 1626

For: NOVEL COMPOUND HAVING ANTITUMOR  
ACTIVITY AND PROCESS FOR PRODUCING  
THE SAME

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Examiner: S. L. Chung

**REQUEST FOR REFUND**  
**(IMPROPER CHARGE OF DEPOSIT ACCOUNT)**

MS 16  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Madam:

On April 9, 2008, Applicants submitted a Request for Refund in connection with the above-referenced application.

Applicants note that this request appears in the record on PAIR; however, no refund was ever accorded or applied to Deposit Account No. 02-2448.

In reviewing the Request submitted, Applicants noted a typographical error on page 2 of the Request. In the event that this typographical error is the reason that no refund has been applied, Applicants submit a *Replacement* Request in which the typographical error has been corrected. That is, the amount to be refunded is **\$1,640.00**.

In view of the above, Applicants ask for expedited handling of this Request and request a prompt refund to be applied to Deposit Account No. 02-2448.

**I. REFUND REQUEST**

This is a request for a refund with respect to the charge to Deposit Account 02-2448 shown on the statement for the month of 04-2008 for the above-identified

application       patent

A copy of the monthly statement in which the error referred to occurs, accompanies this request.

**II. FEES CHARGED FOR WHICH REFUND REQUESTED**

|  | <u>AMOUNT OF<br/>REFUND<br/><u>REQUESTED</u></u> |
|--|--|
| <input type="checkbox"/> filing fee  | _____  |
| <input type="checkbox"/> search fee  | _____  |
| <input type="checkbox"/> examination fee   | _____  |
| <input type="checkbox"/> surcharge for filing the basic filing<br>on a date later than the filing date of<br>the application (37 C.F.R. § 1.16(e)) | _____  |

and/or

|   |       |
|---|-------|
| <input type="checkbox"/> surcharge for filing the oath or declaration<br>on a date later than the filing date of the<br>application (37 C.F.R. § 1.16(e)) | _____ |
| <input checked="" type="checkbox"/> extension of term   |       |
| <input type="checkbox"/> first month  | _____ |
| <input type="checkbox"/> second month   | _____ |

|                                     |                                  |                   |
|-------------------------------------|----------------------------------|-------------------|
| <input type="checkbox"/>            | third month                      | _____             |
| <input checked="" type="checkbox"/> | fourth month                     | \$1,640.00        |
| <input type="checkbox"/>            | excess claims                    | _____             |
| <input type="checkbox"/>            | issue fee                        | _____             |
| <input type="checkbox"/>            | petition fee                     | _____             |
| <input type="checkbox"/>            | patent maintenance fee           | _____             |
| <input type="checkbox"/>            | first maintenance fee            | _____             |
| <input type="checkbox"/>            | second maintenance fee           | _____             |
| <input type="checkbox"/>            | third maintenance fee            | _____             |
| <input type="checkbox"/>            | patent maintenance fee surcharge | _____             |
| <input type="checkbox"/>            | Other:                           | _____             |
| <b>TOTAL REFUND REQUESTED</b>       |                                  | <b>\$1,640.00</b> |

### III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

The application was improperly held in a clerical processing step after a second Amendment was filed on October 10, 2007 and the clerk did not timely authorize the release of the application to the Examiner. The application was improperly kept off the

Examiner's docket and the applicant paid the extension of time fees on April 10, 2008 to keep the application on the docket.

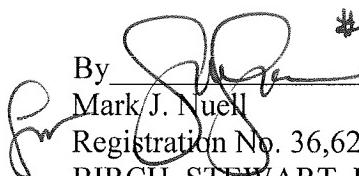
IV. MANNER OF REFUND

Please make refund by crediting Account No. 02-2448.

We respectfully request that the attached copy of this letter be returned to us with an indication that the credit has been processed.

Dated: July 10, 2009

Respectfully submitted,

By   
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